

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:22-cr-00007

v.

Hon. Hala Y. Jarbou

ALISON RENEE MARHSALL,

Defendant.

**DEFENDANT ALISON RENEE MARSHALL'S MOTION FOR DOWNWARD
VARIANCE AND DOWNWARD DEPARTURE**

Pursuant to Title 18 U.S.C. § 3553(a), Federal Rule of Criminal Procedure 32, Western District of Michigan Local Rule of Criminal Practice and Procedure 32.2(g), and Section 6A1.3 and the Application Notes to Section 2N1.1 of the *United States Sentencing Guidelines*, Defendant, ALISON RENEE MARSHALL, by and through her counsel, ROBERT J. ANDRETZ, hereby submits this motion for a downward variance and downward departure from the sentencing guideline range.

In *United States v. Booker*, 543 U.S. 220 (2005), the United States Supreme Court directed sentencing courts to consider all of the factors listed in 18 U.S.C. § 3553(a) to determine a sentence that is sufficient but not greater than necessary. Moreover, the Application Notes to U.S.S.G. § 2N1.1 provide the basis for a downward departure. For the reasons set forth in Defendant's Sentencing Memorandum, Defendant requests that the Court grant a downward variance and a downward departure from the sentencing guideline range.

Defendant respectfully submits that, based on the application of the 18 U.S.C. § 3553(a) factors to the unique facts of this case detailed in Defendant's Sentencing Memorandum, a

sentence of probation or home confinement is sufficient but not greater than necessary to achieve the goals of sentencing and a downward variance and a downward departure should, accordingly, be granted.

Respectfully submitted,

Dated: September 14, 2022

/s/ Robert J. Andretz

Robert J. Andretz

MI Bar No. P63994

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PROOF OF SERVICE

I hereby certify that on September 14, 2022, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record and I hereby certify that I have mailed by U.S. Postal Service the document to any involved non-participants.

/s/ Robert J. Andretz

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